



**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, August 20, 2020**  
**7:00 p.m.**

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City of Berkeley Rent Stabilization Board (Rent Board) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://zoom.us/j/92593902976?pwd=QXIKWUNjTDVnYlVjUk83Vk11VVNMdz09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-408-638-0968 and enter Meeting ID: 925 9390 2976 **and Passcode:** 179327. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.

To submit an e-mail comment to be read aloud during public comment, email [amueller@cityofberkeley.info](mailto:amueller@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM #3." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the meeting in order to be included.**

Please be mindful that this meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, August 20, 2020**  
**7:00 p.m.**  
*Regular Meeting Minutes - Approved*

1. **Roll call** – Chair Laverde called the meeting to order at 7:05 p.m.  
Aimee Mueller called roll.  
Commissioners present: Alpert, Chang (arrived 8:22 p.m.), Mendonca, Selawsky, Simon-Weisberg, Tregub, Laverde.  
Commissioners absent: Soto-Vigil (arrived 7:10 p.m. but did not attend long enough to be considered present per Board rules).  
Staff present: Brown, Law, Mueller, Pretto, Siegel, Wu.
2. **Approval of Agenda** – M/S/C (Tregub/Selawsky) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: MOVE ITEMS 7.a.(1) AND 7.a.(2) TO CONSENT; ADJOURN IN MEMORY OF MIKE LEE AND DIANA RUSSELL. Roll call vote. YES: Mendonca, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Alpert (present but inaudible), Chang, Soto-Vigil. Carried: 5-0-0-3.
3. **Public Comment** – There were five speakers. “Berkeley Student” spoke about Regulation 1017.5 and how COVID-19 has impacted her tenancy. Audrey Slatkin, a Cal Student, spoke about Regulation 1017.5 and lease breaking issues with her tenancy. Moni Law spoke about lease breaking issues related to COVID-19 and how tenants are being impacted. Krista Gulbransen urged the Board to schedule an emergency meeting as soon as possible to reconsider the March 3 date in Regulation 1017.5. The Board secretary read into the record an email from Dan McDunn concerning the ADU and golden duplex discussions by the Board and Council.
4. **CONSENT ITEMS**  
  
*Items 7.a.(1) and 7.a.(2) were moved to Consent by a prior vote of the Board.*
  - a. Approval of the July 16<sup>th</sup> regular meeting minutes
  - b. Recommendation that the Board endorse the November 2020 Rent Stabilization Ordinance Ballot Measure MM (Commissioner Tregub, Chair Laverde & Vice-Chair Simon-Weisberg)  
  
M/S/C (Alpert/Selawsky) APPROVE ALL CONSENT ITEMS, INCLUDING ITEMS 7.a.(1) AND 7.a.(2). Roll call vote. YES: Alpert, Mendonca, Selawsky, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Chang, Soto-Vigil.  
Carried: 6-0-0-2.
5. **SPECIAL PRESENTATION by Hank Levy, Alameda County Treasurer-Tax Collector: “Property Tax Penalty Waivers for the Coming Year”** – Mr. Levy presented a video and took questions from the Board and public afterwards.

6. **APPEAL** – Case No. RWN-1649 (1905 Essex Street)

Appearances:

Chuck Alfonzo, representative for Appellant Maxaco, LLC

Gavin Knighton, Respondent

M/S/C (Simon-Weisberg/Selawsky) MOTION TO DENY THE REQUEST FOR A CONTINUANCE. Roll call vote. YES: Alpert, Mendonca, Selawsky, Simon-Weisberg, Soto-Vigil, Laverde; NO: None; ABSTAIN: None; ABSENT: Chang; RECUSED: Tregub\*. Carried: 6-0-0-1-1.

M/S/C (Selawsky/Simon-Weisberg) MOTION TO AFFIRM THE HEARING EXAMINER’S DECISION. YES: Alpert, Mendonca, Selawsky, Simon-Weisberg, Soto-Vigil, Laverde; NO: None; ABSTAIN: Chang; ABSENT: None; RECUSED: Tregub\*. Carried: 6-0-1-0-1.

\*Commissioner Tregub recused himself because he provided professional services to the appellant five years ago.

7. **ACTION ITEMS**

*Items 7.a.(1) and 7.a.(2) were moved to Consent by a prior vote of the Board.*

a. From Board Members, Committees, and Executive Director

- (1) Discussion and possible action regarding recommendation to adopt Resolution 20-15 authorizing the Acting Executive Director to negotiate a contract with 3Di, Inc. to replace the Rent Board’s existing Rent Tracking System (RTS) with an integrated software solution (Budget & Personnel Committee and Acting Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.
- (2) Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Acting Executive Director)

**Ministerial Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4914	1447 Oxford Street
4915	1628 Tyler Street
4917	3224 Boise Street
4919	1108 Chaucer Street
4925	1511 Hearst Avenue

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
4911	1602 Ashby Avenue
4918	1405 California Street
4922	2915 Shattuck Avenue
4923	2014 Virginia Street

MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

**8. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES**

**ALL ITEMS BELOW WERE MENTIONED OR BRIEFLY DISCUSSED.  
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS OR INFORMATION.**

a. Reports from Board Members/Staff

- (1) Update on the annual registration process and amnesty program to forgive penalties for COVID-related non-payment of registration fees – *Verbal* (Acting Executive Director)
- (2) Commissioner attendance at Board and Committee meetings through the second quarter of 2020 (Acting Executive Director) – Commissioner Mendonca noted an error in her documented attendance.
- (3) Update from Public Information Unit on community inquiries regarding lease breaking – *Verbal* (Acting Executive Director) – The Board discussed this item at length, which resulted in the decision to schedule a special meeting.
- (4) Update on Expanding Rent Board Access: Virtual Phone Services (Acting Executive Director)
- (5) Update on Small Claims Court collections process for delinquent registration fees from past fiscal year (Acting Executive Director)
- (6) Update on recent Rent Board outreach events (Acting Executive Director)
  - a. July 15<sup>th</sup> Rental Housing and COVID-19 Webinar: 65 participants. This webinar was presented by Lynn Wu and Matthew Siegel and facilitated by Michele Byrnes.
  - b. August 12<sup>th</sup> College of Natural Resources (CNR) Webinar: 10-20 participants anticipated. Michele Byrnes and Moni Law will present to first year CNR students.
  - c. August 14<sup>th</sup> Golden Bear Orientation: Moni Law will present on Tenant Rights to first year Cal students.
- (7) July 8, 2020 *Vox.com* article by Jen Kirby titled, “America’s looming housing catastrophe, explained” (Commissioner Chang)  
<https://www.vox.com/21301823/rent-coronavirus-covid-19-housing-eviction-crisis>
- (8) July 27, 2020 *BusinessWire.com* press release titled, “Proposition 21 Endorsed by State Democratic Party” (Commissioner Tregub)

<https://www.businesswire.com/news/home/20200727005724/en/Proposition-21-Endorsed-State-Democratic-Party>

- (9) July 29, 2020 *Berkeleyside* article by Frances Dinkelspiel titled, “Update: Berkeley residents won’t vote in November on repealing 40-year-old law exempting some duplexes from rent control” (Commissioner Tregub)  
<https://www.berkeleyside.com/2020/07/29/berkeley-ca-city-council-meeting-rent-control-duplexes-election>
- (10) July 31, 2020 *East Bay Citizen* article by Steven Tavares titled, “Alameda County: Eviction moratorium extended again; supervisor floats rent relief idea” (Commissioner Tregub)  
<https://ebcitizen.com/2020/07/31/alameda-county-eviction-moratorium-extended-again-supervisor-floats-rent-relief-idea/>
- (11) August 3, 2020 *The Daily Californian* article by Eric Rogers and Veronica Roseborough titled, “Berkeley City Council adds rent control exemptions to November ballot” (Commissioner Tregub)  
<https://www.dailycal.org/2020/08/02/berkeley-city-council-adds-rent-control-exemptions-to-november-ballot/>
- (12) August 3, 2020 *The Daily Californian* article by Claire Daly titled, “‘We’re not going to stop’: 1921 Walnut St. tenants protest UC acquisition” (Commissioner Tregub)  
<https://www.dailycal.org/2020/08/03/were-not-going-to-stop-1921-walnut-st-tenants-protest-uc-acquisition/>
- (13) August 5, 2020 *Berkeleyside* article by Frances Dinkelspiel titled, “What’s on the Berkeley ballot? Pay raises for mayor and council, Uber surcharge, new police oversight, more” (Commissioner Tregub) – 1 min.\*  
<https://www.berkeleyside.com/2020/08/05/whats-on-the-berkeley-ballot-pay-raises-for-mayor-and-council-uber-surcharge-new-police-oversight>
- (14) August 6, 2020 *The Daily Californian* editorial titled, “UC must cease its role in Berkeley’s gentrification” (Commissioner Tregub)  
<https://www.dailycal.org/2020/08/06/uc-must-cease-its-role-in-berkeleys-gentrification-2/>
- (15) August 9, 2020 *Politico* article by Katy O’Donnell titled, “Trump’s eviction ban would leave most tenants in peril” (Commissioner Tregub)  
<https://www.politico.com/news/2020/08/09/trump-ban-evictions-tenantsperil-392674>

## **9. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget and Personnel – Committee Chair Tregub reported the Committee had a productive meeting today, and gave a preview of items the Committee will consider at its next meeting.

(1) August 20<sup>th</sup> agenda

b. Eviction/Section 8/Foreclosure

c. Habitable & Sustainable Housing (HASH) – Committee Chair Chang said there wasn't much to report.

(1) August 6<sup>th</sup> agenda

d. IRA, AGA and Registration – Committee Chair Simon-Weisberg said the Committee hopes to meet on Monday at 6 p.m. to discuss Regulation 1017.5 and potential changes to address the impacts of COVID-19 on tenants.

e. Outreach – Committee Chair Chang reported that staff are developing a COVID-19 related survey.

(1) August 12<sup>th</sup> agenda

f. 4 x 4 Joint Committee on Housing: City Council/Rent Board

g. Ad Hoc Committee on Technology Issues

h. Updates and Announcements regarding future Special Meetings – The Board took a straw poll to determine whether to hold a special meeting on Friday, August 28 at 7:00 p.m. Commissioners Alpert, Chang, Mendonca, Selawsky, Simon-Weisberg, Tregub, and Laverde said they were available. Commissioner Soto-Vigil was not present for the poll.

i. Discussion of items for possible placement on future agenda

**10. CLOSED SESSION** – Pursuant to California Government Code Sections 54957(b) and 54956.9(d), the Board convened in closed session to consider confidential personnel matters and potential litigation.

Pursuant to California Government Code Section 54956.9(d)(1), the Board convened in closed session for an update on litigation:

- **Berkeley Rent Housing Coalition v. City of Berkeley Rent Stabilization Board** (California Court of Appeal 1<sup>st</sup> Appellate District Case #A160652/Alameda County Superior Court Case #RG19018001)

- **Pariset v. Superior Court of California, County of Sacramento [Respondent]; City of Sacramento et al. [Real Party in Interest]** (California Court of Appeal, 3<sup>rd</sup> Appellate District Case #C092381/ Superior Court Case #24-2020-00280755-CU-MC-GDS) – Amicus brief

UPON THE BOARD'S RETURN, THE CHAIR ANNOUNCED THAT THERE WAS NO REPORTABLE ACTION.

11. **ADJOURNMENT** – M/S/C (Laverde/Tregub) ADJOURN IN MEMORY OF DIANA RUSSELL AND MIKE LEE. YES: Alpert, Mendonca, Simon-Weisberg, Tregub, Laverde; NO: None; ABSTAIN: None; ABSENT: Chang, Selawsky, Soto-Vigil. Carried: 5-0-0-3. The meeting adjourned at 11:01 p.m.